

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:12CR245 MAC/DDB
	§	
WESLEY ALLEN SCOTT	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 10, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Heather Rattan.

On June 18, 2008, Defendant was sentenced by the Honorable Ralph R. Erickson, United States District Judge, to a sentence of 37 months imprisonment followed by a 3-year term of supervised release for the offense of Transportation of Stolen Firearms. Defendant began his term of supervision on September 7, 2010. On October 11, 2012, this case was transferred to this district and is now assigned to the Honorable Marcia A. Crone.

On March 1, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (3) Defendant shall not associate

with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation office.

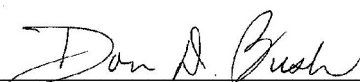
The Petition alleges that Defendant committed the following violations: (1) On November 11, 2011, Defendant was arrested by Denton Police Department, Denton, Texas, for Assault Causes Bodily Injury Family Member. On February 2, 2012, Defendant was arrested in Wichita Falls, Wichita County, Texas, by Wichita County Sheriff's Office for Theft of Property O/1,500-U/20,000; On August 9, 2012, Defendant was arrested by Denton County Sheriff's Office for Aggravated Robbery; (2) Defendant failed to submit written monthly reports for the months of August, October and November 2011, and January and February 2012; and (3) Beginning on October 13, 2011, Defendant engaged in criminal activity that resulted in Theft of Property O/1,500-U/20,000, with Randy Newton, who has been convicted of at least one felony offense and the co-defendant in the aforementioned case.

At the hearing, Defendant entered a plea of true to allegation one. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

#### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the September 10, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-two (22) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Fort Worth, if appropriate.

**SIGNED this 2nd day of October, 2015.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE